

**REMARKS**

Responsive to the Restriction/Election of Species Requirement dated November 10, 2005, Applicants elected, Group V, with traverse, for further prosecution at this time.

The Restriction/Election of Species Requirement dated November 10, 2005, required that Applicants elect a species of first cell type-specific transcriptional response element (TRE), as recited in current Claim 63 (previous Claim 57). Applicants elect the species of prostate specific antigen transcriptional regulatory element (PSA-TRE). Applicants understand that the generic claims are therefore held in abeyance until such time as a species claim is deemed allowable, at which time the generic claims will be considered.

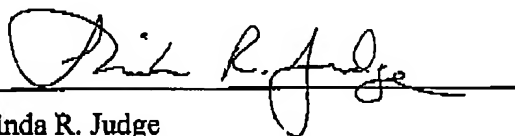
The Notice of Non-Compliant Amendment dated February 1, 2006, further requires that Applicant renumber the Claims because of the amendments filed April 13, 2004 and October 6, 2005 included 2 different claim sets with the same numbering. Applicants have canceled Claim 55-60, filed April 13, 2004 and renumbered the Claims submitted October 6, 2005 as set forth above.

**CONCLUSION**

Applicants submit that the application is now in condition for examination on the merits. Early notification of such action is earnestly solicited. If any issues remain which the Examiner feels may be best resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact Applicants counsel, Linda R. Judge at (415) 836-2586.

Respectfully submitted,

DLA PIPER RUDNICK GRAY CARY U.S. LLP

A handwritten signature in black ink, appearing to read "Linda R. Judge", is written over a horizontal line.

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